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11:54 am, Sep 11, 2019

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

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JULIO GALARZA, VICTOR CONTRERAS,
SILVESTRE CASTILLO, GILBERTO
UBILLUZ, JOSE RAMIREZ, MIGUEL
VASQUEZ, and RODOLFO CUADROS, on
behalf of themselves and all other persons
similarly situated,

ADOPTION ORDER
2:18-cv-1380 (ADS) (ARL)

Plaintiffs,

-against-

HYDRO ENVIRONMENTAL
CONTRACTING CORP. d/b/a ENVIRO
DRILLING & CONTRACTING INC., HYDRO
TECH ENVIRONMENTAL CORP., HYDRO
TECH ENVIRONMENTAL ENGINEERING
AND GEOLOGY, D.P.C., MOSTAFA EL
SEHAMY, MARK E. ROBBINS, TAREK Z.
KHOURI, HAKS ENGINEERS, ARCHITECTS
AND LAND SURVEYORS, D.P.C. and
LANGAN ENGINEERING AND
ENVIRONMENTAL SERVICES, INC.,

Defendants.

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APPEARANCES:

Law Office of Peter A. Romero PLLC

Attorneys for the Plaintiffs

103 Cooper Street
Babylon, NY 11788

By: Peter Arcadio Romero, Esq.,
David Donald Barnhorn, Esq. Of Counsel.

Hamburger, Maxson, Yaffe & McNally, LLP

Attorneys for the Defendants

225 Broadhollow Road, Suite 301E
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By: Andrew Kyle Martingale, Esq.,
Lane T. Maxson, Esq., Of Counsel.

SPATT, District Judge:

On June 12, 2018, Plaintiffs Julio Galarza, Victor Contreras, Silvestre Castillo, Gilberto Ubilluz, Jose Ramirez, Miguel Vasquez, and Rodolfo Cuadros (“the Plaintiffs”), acting on behalf of themselves and all others similarly situated, brought a putative class action against Hydro Environmental Contracting Corp., doing business as Enviro Drilling and Contracting Inc., Hydro Tech Environmental Corp., Hydro Tech Environmental Engineering and Geology, D.P.C., Mostafa El Sehamy, Mark E. Robbins, Tarek Z. Khouri, Haks Engineers, Architects and Land Surveyors, D.P.C., and Langan Engineering and Environmental Services, Inc. (“the Defendants”). They brought the action under the Fair Labor Standards Act (“FLSA”), the New York Labor Law (“NYLL”), and common law.

Defendants Langan Engineering and Environmental Services, Inc. and Haks Engineers, Architects and Land Surveyors, D.P.C. filed motions to dismiss the complaint pursuant to Federal Rule of Civil Procedure (“FED. R. CIV. P.”) 12(b)(6). The Plaintiffs cross-moved for leave to amend the complaint pursuant to FED. R. CIV. P. 15.

On September 14, 2019, the Court referred the motions to United States Magistrate Judge Arlene R. Lindsay for a Report and Recommendation as to whether the motions should be granted, and if so, what relief should be afforded. On July 25, 2019, Judge Lindsay issued a report and recommendation (“R&R”), recommending as follows:

By letter dated June 10, 2019, the plaintiffs advised the Court that the parties have reached a settlement in principle. During a Conference held before the undersigned today, the parties indicated that they intend to submit a motion for approval of the settlement pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015) with respect to the plaintiffs’ FLSA claims by August 16, 2019. The parties also advised that they do not object to having the motions denied with leave to renew should the settlement agreement not be finalized. Accordingly, the undersigned respectfully recommends that the motions identified in this report be denied with leave to renew.

ECF 87. It has been more than fourteen days since the service of the R&R. The parties have not filed objections. The parties have yet to settle the case, though they have recently been given an extension of the deadline to submit the settlement agreement. *See, e.g.*, ECF 90, 91.

As such, pursuant to 28 U.S.C. § 636(b) and FED. R. CIV. P. 72, this Court has reviewed the R&R for clear error, and, finding none, now concurs in both its reasoning and its result. *See Coburn v. P.N. Fin.*, No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346 at *1 (reviewing R&R without objections for clear error).

Accordingly, the R&R is adopted in its entirety. The above-noted motions are denied with leave to renew.

SO ORDERED.

Dated: Central Islip, New York

September 11, 2019

/s/ Artur D. Spatt

ARTHUR D. SPATT

United States District Judge